



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Jeffrey A. Korn Confirmation No: 9810

Serial No: 09/707,710 Group: 2871

Filed: November 7, 2000 Examiner: Wang, George Y.

For: System and Process for Post Alignment Polarization Extinction Ratio Compensation in Semiconductor Laser System

Customer No.: 29127

Attorney	1029us
Docket No.	

APPELLANTS' REPLY BRIEF

VIA FACSIMILE: **703-872-9306**
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450,
Alexandria, Virginia 22313-1450

Sir:

This is the Appellants' reply to the Examiner's Answer, mailed February 28, 2005 (unnumbered paper).

Consideration of the following remarks is respectfully requested:

It is well settled that patentability exists when the claimed invention is distinguished over the combination. *In re Fine*, 837 F.2d 1071, at 1075, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claim 6 requires: "axially rotating the endface of the fiber relative to the bench to improve the polarization extinction ratio by deforming the mounting structure."

Neither applied reference teaches this approach to polarization extinction ratio (PER) improvement. In fact, neither reference appreciates that the fiber endface can be axially rotated by mounting structure deformation.

The Examiner's Answer argues to the contrary at page 6, first paragraph: "[a] deforming structure allows fibers that are already aligned and secured to be readjusted so that PER can be enhanced until a desired ratio level is reached (col. 4, lines 41-44)".

Col. 4, lines 41-44 of the Flanders patent (US 6,345,059) is as follows:

40 ~~pigtail 112 via the fiber endface 122 and transmitted outside~~
of the tunable laser system 110. Preferably, deformable
mounting structures are used to enable active or passive
alignment during system manufacture or calibration after an
in-service period.

PER is not mentioned.

The Examiner's Answer does not accurately represent the scope and content of this applied reference.

The claimed invention is distinguishable over the combination.

Appellants request an oral hearing.

Respectfully submitted,

Houston Eliseeva LLP

By 
J. Grant Houston
Registration No.: 35,900
4 Militia Drive, Ste. 4
Lexington, MA 02421
Tel.: 781-863-9991
Fax: 781-863-9931

Date: April 27, 2005